



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:

April 8, 2003

Mr. A.J. Yates
Administrator
Agricultural Marketing Service
1400 Independence Avenue, S.W.
Room 2092-S, Mail Stop 0249
Washington, D. C. 20250-0249

Re: Federal Register, Volume 67, Number 198, October 11, 2002. Establishment of Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts under the Authority of the Agricultural Marketing Act of 1946.

Dear Administrator Yates:

I am pleased to submit these comments and attachments for your record and for your review on the subject of establishment of Country of Origin Labeling for Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts contained in Section 10816 of Public Law 107-171 (7USC 1638-1638d), which amended the Agricultural Marketing Act of 1946.

Florida is uniquely positioned to provide comments to the United States Department of Agriculture (USDA) on many aspects of the law since a statute requiring Country of Origin Labeling for fresh produce and honey has been in effect in our state since 1979. Since 1996, aquacultured products have been required to be labeled as such in Florida markets. I appreciated your willingness to visit Florida shortly after enactment of the provision to gain information regarding our lengthy experience with the Country of Origin Labeling program in Florida.

My general comments on program implementation, record keeping and enforcement are included within this letter. In addition, I am providing for the record a two page description of the Florida program including actual costs of the program in our state, a chart comparing the federal and state laws, and a power point presentation on implementation of the Florida program that was presented both at the United Fresh Fruit and Vegetable Association as well as to the recent Tri-national Accord in Montreal, Canada. For your information, I am also including a January, 2003 survey we conducted in 8 major cities with over 2500 participants entitled "Grocery Shopping Preferences – "Point of Origin".

There are a number of key points that have to be taken into consideration when drafting a workable country of origin labeling program. Common sense application using existing records such as those required under PACA or HACCP, trust between industry and regulatory officials, a presumption of truthfulness of information provided, absence of mandatory recordkeeping, partnership with states, and a cooperative effort to draft workable regulations are the critical components of a successful program.

Using these tenants as a basis, we have taken the liberty of developing proposed draft regulations, based on the published USDA Voluntary Guidelines, which I hope you will consider. I respectfully recommend you form a group of federal and state regulatory officials as well as industry and consumer



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branded. Canada also has a regulation on animal identification. While mandatory animal identification certainly is not a provision of this act, the industry is moving over the next few years with the formation of a voluntary animal identification program. The industry has recognized that animal identification can aid genetic improvement and improve animal health, to which I would add that voluntary animal identification could also provide origin of animals.

Enforcement and compliance can be accomplished in partnership with the states. All states have regulatory inspections of retail food establishments located either in their departments of agriculture, health or local agencies. In Florida, inspections to verify compliance with the country of origin labeling requirements are conducted by our food safety inspectors as a part of the routine food sanitation inspections. This procedure could readily be adopted in other states and implemented through cooperative agreements with USDA. State regulatory agencies could then conduct on-site verifications of compliance, when warranted. USDA could perform a representative number of audits during the year to assure compliance with little additional imposition of inspectional personnel in the marketplace.

To assist in achieving compliance and ease of implementation of this act, I again offer our department's assistance as a pilot program for any regulation focused on these principles. Thank you for the opportunity to provide these comments and proposed regulation language. We are committed to working with you to insure the program is implemented in a way that benefits both our consumers, producers, suppliers, retailers and regulatory agencies.

Sincerely,



CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

Enclosures

cc: Dr. Eric Forman, Associate Deputy Administrator
Terry Rhodes, Assistant Commissioner
Dr. Martha Roberts, Deputy Commissioner
Leslie Palmer, Federal-State Administrator